UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,351	09/13/2006	Kenji Sakamoto	1248-0827PUS1	2083

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EXAMINER
DONADO, FRANK E

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
02/05/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 October 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,4-9,11,14-16,19 and 21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,4-9,11,14-16,19 and 21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on 10/6/09 has been entered. Claims 1 and 11 have been

amended. Claims 2-3, 10, 12-13, 17-18, 20 and 22 have been cancelled. No claims

have been added. Claims 1, 4-9, 11, 14-16, 19 and 21 are currently pending in this

application, with claims 1 and 11 being independent.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
            obviousness or nonobviousness.

4.   Claims 1, 4, 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fingerhut **(6,418,129)**, in view of Hunzinger **(US PG Publication**

2002/0062467).

        Regarding claim 1, Fingerhut teaches a wireless terminal when connected to a

base device, receiving video data or audio data or both video and audio data from the

connected base device, comprising: connection requesting means for broadcasting a

connection request command that requests a connection with a base device;

connection establishing means for, when there are two or more base devices in a

communications range of the wireless terminal, obtaining only a first incoming one of

sets of identification data, each set being transmitted from a base device in response to

the connection request command and specifying the base device, so as to establish a

connection with a base device that is indicated by the thus obtained, first incoming set

of identification data **(A user of a wireless device makes an activation request, by**

transmitting an Access Request Packet (ARP) requesting to be connected with a

specific base station (Field 26 in Figure 3) in a desired coverage area, for example

while searching for the nearest base station in a network, where an activation

response packet 18 is transmitted by said base station comprising its base

station number (Field 36 in Figure 5) in establishing a connection with said

wireless device, Column 3, lines 54-55, Column 4, lines 1-3 and 7-9 and 34-45, 62-

63 and 66-67, Column 5, lines 1-8 and 61-65, Column 6, lines 17-18 and 34-38 and

Column 5, lines 58-60); Fingerhut does not teach connection completion notifying

means for, after the obtaining of the first incoming set of identification data,

broadcasting a connection process completion command that indicates that the

connection with the connected base device is established; and connection counterpart

notifying means for notifying, based on the first set of identification data, a user of the

base device to which the wireless terminal is currently connected. Hunzinger teaches

connection completion notifying means for, after the obtaining of the first incoming set of

identification data, broadcasting a connection process completion command that

indicates that the connection with the connected base device is established **(To**

confirm a delivery of content transmitted from a gateway device, a mobile device

sends a delivery confirmation acknowledgment (C-ACK) message to said gateway

device, Paragraph 6, lines 1-6); and connection counterpart notifying means for

notifying, based on the first set of identification data, a user of the base device to which

the wireless terminal is currently connected **(After receiving said C-ACK message,**

video or audio content is transmitted within said D-ACK message from said

gateway that is displayed or manifested when received at said mobile phone,

Paragraph 18, lines 1-5, Paragraph 5, lines 1-5 and step 220 in Figure 2B). It would

have been obvious to one of ordinary skill in the art at the time of the invention to modify

the invention of Fingerhut to include this feature for the benefit of added security.

        Regarding claims 4 and 5, Fingerhut, in view of Hunzinger teaches a wireless

terminal as set forth in claim 1. Fingerhut further teaches the identification data

contains a key for encrypting the data and a key for decrypting the encrypted data,

where the key for encrypting the data and the key for decrypting the encrypted data are

algorithms specific to the base device indicated by the identification data **(Said**

activation response packet 18 is transmitted by said base station comprising its

base station number contains a key for encrypting the data and a key for

decrypting the encrypted data, where said encryption is specific to said base

station, Column 6, lines 1-4, 44, and 45).

Regarding claim 7, Fingerhut, in view of Hunzinger, teaches a base device comprising: identification data transmission means for transmitting the identification data to the wireless terminal as set forth in claim 1 **(See claim 1)**.

Regarding claim 8, Fingerhut, in view of Hunzinger, teaches a wireless system comprising: the wireless terminal as set forth in claim 1 **(See Claim 1)**; and a base device comprising identification data transmission means for transmitting the identification data to the wireless terminal as set forth in claim 1 **(See claim 1)**.

Regarding claims 9, Fingerhut, in view of Hunzinger, teaches a wireless terminal as set forth in claim 1. Fingerhut further teaches a computer readable storage medium storing a control program for operating a wireless terminal as set forth in claim 1, the control program causing a computer to function as each of the means **(Said activation is performed by said wireless device when caused to do so by executable instructions stored on a computer-readable medium, Column 3, lines 64-66)**.

5.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerhut, in view of Hunzinger, and further in view of Kim, et al **(US Patent No. 7,139,014)**. From

now on, Kim, et al, will be referred to as Kim.

Regarding claim 6, Fingerhut, in view of Hunzinger, teaches a wireless terminal as set forth in claim 1. Fingerhut, in view of Hunzinger, does not teach said wireless terminal comprising: image output means for causing display means to display an image based on video data received from the base device to which the wireless terminal is connected, the connection counterpart notifying means displaying the identification data on the display section in an OSD manner. Kim teaches said wireless terminal comprising: image output means for causing display means to display an image based on video data received from the base device to which the wireless terminal is connected, the connection counterpart notifying means displaying the identification data on the display section in an OSD manner **(A portable terminal displays video information in an OSD manner, Column 1, lines 41-43 and 49-53 and Column 4, lines 20-32)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fingerhut, in view of Hunzinger, to include this feature for the benefit of customer service and service variety.

6.   Claims 11, 14, 15, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerhut, in view of Hunzinger, and further in view of McDowall, et al **(US Patent No. 6,920,479)**. From now on, McDowall, et al, will be referred to as McDowall.

Regarding claim 11, Fingerhut teaches a wireless system comprising a base

device and a wireless terminal which, when connected to a base device, receives

either video data or audio data or both video and audio data from the connected base

device, wherein: the wireless terminal comprises: connection requesting means for

broadcasting a connection request command that requests a connection with a base

device; connection establishing means for, when there are two or more base devices in

a communications range of the wireless terminal, receiving only a first incoming one

set of identification data from among sets of identification data, being transmitted from

said two or more base devices in response to the connection request command, each

set of identification data indicating one base device, so as to establish a connection

with a base device that is indicated by the thus received, first incoming set of

identification data **(A user of a wireless device makes an activation request, by**

transmitting an Access Request Packet (ARP) requesting to be connected with a

specific base station (Field 26 in Figure 3) in a desired coverage area, for

example while searching for the nearest base station in a network, where an

activation response packet 18 is transmitted by said base station comprising its

base station number (Field 36 in Figure 5) in establishing a connection with said

wireless device, Column 3, lines 54-55, Column 4, lines 1-3 and 7-9 and 34-45, 62-

63 and 66-67, Column 5, lines 1-8 and 61-65, Column 6, lines 17-18 and 34-38 and

Column 5, lines 58-60); and the base device comprises: identification data

transmission means for transmitting the identification data after receiving a connection

request command **(Said activation response packet 18 is transmitted by said base**

station comprising its base station number (Field 36 in Figure 5) in establishing a connection with said wireless device, Column 5, lines 61-65, Column 6, lines 17-18 and 34-38 and Column 5, lines 58-60) Fingerhut does not teach a connection completion notifying means for, after the obtaining of the first incoming set of identification data, broadcasting a connection process completion command that indicates that the connection with the connected base device is established; first connection confirming mode transiting means for causing transition into a connection confirmation mode in accordance with input of an instruction from a user, connection confirming means for obtaining, after the transition to the connection confirmation mode, a connection confirmation command from the base device to which the wireless terminal is connected, the connection confirmation command being for confirming the connection; and warning means for warning the user if the connection confirmation means does not obtain the connection confirmation command within a predetermined time after the transition to the connection confirmation mode; and the base device comprises: means for, after receiving the connection process completion command, recognizing that the connection is established and transmitting either video data or audio data or both video and audio data to the wireless terminal; second connection confirming mode transiting means for causing transition into the connection confirmation mode in accordance with the input of the instruction from the user. Hunzinger teaches a connection completion notifying means for, after the obtaining of the first incoming set of identification data, broadcasting a connection process completion command that indicates that the connection with the connected base

device is established **(To confirm a delivery of content transmitted from a gateway device, a mobile device sends a delivery confirmation acknowledgment (C-ACK) message to said gateway device, Paragraph 6, lines 1-6)**; first connection confirming mode transiting means for causing transition into a connection confirmation mode, connection confirming means for obtaining, after the transition to the connection confirmation mode, a connection confirmation command from the base device to which the wireless terminal is connected, the connection confirmation command being for confirming the connection **(Said mobile device transitions into a mode in which it receives a display acknowledgment (D-ACK) message in response to said C-ACK message, Paragraph 6, lines 6-8)**; detecting if the connection confirmation means does not obtain the connection confirmation command within a predetermined time after the transition to the connection confirmation mode **(Step 222 in Figure 2B)**; and the base device comprises: means for, after receiving the connection process completion command, recognizing that the connection is established and transmitting either video data or audio data or both video and audio data to the wireless terminal **(After receiving said C-ACK message, video or audio content is transmitted within said D-ACK message from said gateway that is not displayed or manifested until received at said mobile phone, Paragraph 18, lines 1-5 and Paragraph 5, lines 1-5)**; second connection confirming mode transiting means for causing transition into the connection confirmation mode and connection confirmation command transmitting means for transmitting the connection confirmation command, if the transition into the connection confirmation is performed **(Said gateway transitions**

into said mode in which said gateway transmits D-ACK message as described

above). McDowall teaches warning the user if the connection confirmation means

does not obtain the connection confirmation command after the transition to the

connection confirmation mode and transition into a first connection confirmation mode

and into a second connection confirmation mode in accordance with input of an

instruction from a user **(Via a user input, a user of a cellular phone gets notified**

when, after the establishment of a connection, the connection is lost, Column 1,

lines 47-49, Column 4, lines 5-10, 14-15 and 23-27 and Column 12, lines 11-25). It

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify the invention of Fingerhut to include these features for the benefit of added

security.

Regarding claims 14 and 15, Fingerhut, in view of Hunzinger, and further in view

of McDowall, teaches the wireless system according to claim 11. Fingerhut further

teaches the identification data contains a key for encrypting the data and a key for

decrypting the encrypted data, where the key for encrypting the data and the key for

decrypting the encrypted data are algorithms specific to the base device indicated by

the identification data **(Said activation response packet 18 is transmitted by said**

base station comprising its base station number contains a key for encrypting

the data and a key for decrypting the encrypted data, where said encryption is

specific to said base station, Column 6, lines 1-4 and 44-45).

Regarding claim 19, Fingerhut, in view of Hunzinger, and further in view of McDowall, teaches the wireless system as set forth in claim 11. Fingerhut further teaches a computer readable storage medium storing a control program for operating a wireless terminal constituting the wireless system as set forth in claim 11, the control program causing a computer to function as each of the means **(Said establishment of connection is performed by said wireless device when caused to do so by executable instructions stored on a computer-readable medium, Column 3, lines 64-66)**.

Regarding claim 21, Fingerhut, in view of Hunzinger, and further in view of McDowall, teaches a base device constituting the wireless system as set forth in claim 11. Hunzinger further teaches a computer readable storage medium storing a control program for operating a base device constituting the wireless system as set forth in claim 11, the control program causing a computer to function as each of the means **(Said establishment of connection is performed by said gateway device when caused to do so by executable instructions stored on a computer-readable medium, Paragraph 24 and Claim 30)**.

7.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerhut, in view of Hunzinger, and further in view of McDowall, and further in view of Kim.

Regarding claim 16, Fingerhut, in view of Hunzinger, and further in view of McDowall, teaches a wireless system as set forth in claim 11. McDowall further teaches receiving a warning means warning the user about a current connection **(See claim 11)**. Fingerhut, in view of Hunzinger, and further in view of McDowall, does not teach image output means for causing display means to display an image based on video data received from the base device to which the wireless terminal is connected, by displaying a message on the display section in an OSD manner. Kim teaches image output means for causing display means to display an image based on video data received from the base device to which the wireless terminal is connected, by displaying a message on the display section in an OSD manner **(A portable terminal displays video information in an OSD manner, Column 1, lines 41-43 and 49-53 and Column 4, lines 20-32)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fingerhut, in view of Hunzinger, and further in view of McDowall, to include this feature for the benefit of customer service and service variety.

Response to Arguments

9.   Applicant's arguments with respect to claim(s) 1, 4-9, 11, 14-16, 19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to FRANK DONADO whose telephone number is (571)

270-5361. The examiner can normally be reached Monday-Friday, 9:30 am-6 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone

number for the organization where this application or proceeding is assigned is 571-

270-6361.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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system, call 800-786-9199 (IN USA OR CANADA) or 571-273-8300.

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